

RESOLUTION NO. 028-21

HARFORD COUNTY, MARYLAND

RESOLUTION NO. 028-21

**Introduced by Council President Vincenti
at the request of the County Executive**

Legislative Session Day 21-015

May 11, 2021

RESOLUTION

A RESOLUTION to authorize the purchase by Harford County, Maryland (the “County”), pursuant to Article II of Chapter 60 of the Harford County Code, as amended (the “Agricultural Land Preservation Act”), of Development Rights (as defined in the Agricultural Land Preservation Act) in approximately 49.34 acres, more or less, of agricultural land located at 4420 Slate Ridge Road, Whiteford, Maryland 21160 within the County, containing approximately three (3) Development Rights, more or less, pursuant to a perpetual Development Rights Easement restricting use of such land to Agricultural Use from Jeff Phipps and Darlene Phipps, or any other owner thereof for an aggregate purchase price not to exceed \$273,676.65; provided however, that the actual amount of the purchase price shall be determined as provided herein pursuant to the Agricultural Land Preservation Act; authorizing the County Executive and Treasurer to make modifications to the agreement of sale under certain circumstances; providing for and determining various matters in connection therewith.

WHEREAS, the Agricultural Land Preservation Act provides that after review by the Harford County Agricultural Land Preservation Advisory Board in accordance with the County’s Easement Priority Ranking System (as such term is used in the Agricultural Land Preservation Act) and approval by the Harford County Board of Estimates, the County Council may approve

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1 and provide for the acquisition of Development Rights in each particular parcel of Agricultural
2 Land and Woodland; and

3 WHEREAS, attached to this Resolution as Exhibit A is an application to sell a
4 Development Rights Easement signed by the owner(s) of the Agricultural Land that is the subject
5 of the Resolution; and

6 WHEREAS, attached to this Resolution as Exhibit B are records of The Harford County
7 Agricultural Advisory Board evaluating all applications to sell Development Right Easements to
8 the County, with each application ranked pursuant to the County's Easement Priority Ranking
9 System; and

10 WHEREAS, the County has now determined to enter into an agreement of sale with Jeff
11 Phipps and Darlene Phipps and/or any other person or entity that is or becomes the owner of all
12 or any portion of the following described land prior to execution and delivery of such agreement
13 of sale (the "Seller"), in order to acquire the Development Rights in approximately 49.34 acres,
14 more or less, of Agricultural Land located at 4420 Slate Ridge Road, Whiteford, Maryland
15 21160 within the County (the "Land"), containing approximately three (3) Development Rights,
16 more or less, for an aggregate purchase price not to exceed \$273,676.65 (the "Maximum
17 Purchase Price"); provided, however, that the actual amount of the purchase price shall be
18 determined in accordance with the Agricultural Land Preservation Act and shall be equal to the
19 lesser of (i) the Maximum Purchase Price or (ii) \$5,546.75 multiplied by the actual number of
20 acres in the Land, which latter amount represents the least of the three amounts calculated as the
21 purchase price on the basis of the following factors: (i) the Maximum Easement Per Acre Value
22 (as defined in the Agricultural Land Preservation Act), (ii) the Maximum Development Right
23 Value (as defined in the Agricultural Land Preservation Act) and (iii) Maximum Per Acre Value

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(as defined in the Agricultural Land Preservation Act and also referred to therein as the “maximum per acre cap”).

NOW THEREFORE, BE IT RESOLVED by the County Council of Harford County, Maryland:

Section 1. Harford County, Maryland (the “County”) shall enter into an agreement of sale (the “Agreement of Sale”) with Jeff Phipps and Darlene Phipps and/or any other person or entity that is or becomes the owner of all or any portion of the following described land prior to execution and delivery of such agreement of sale (the “Seller”), in order to acquire the Development Rights in approximately 49.34 acres, more or less, of Agricultural Land located at 4420 Slate Ridge Road, Whiteford, Maryland 21160 within the County (the “Land”), containing approximately three (3) Development Rights, more or less, for an aggregate purchase price not to exceed \$273,676.65 (the “Maximum Purchase Price”); provided, however, that the actual amount of the purchase price shall be determined in accordance with the Agricultural Land Preservation Act and shall be equal to the lesser of (i) the Maximum Purchase Price or (ii) \$5,546.75 multiplied by the actual number of acres in the Land, which latter amount represents the least of the three amounts calculated as the purchase price on the basis of the following factors: (i) the Maximum Easement Per Acre Value (as defined in the Agricultural Land Preservation Act), (ii) the Maximum Development Right Value (as defined in the Agricultural Land Preservation Act) and (iii) Maximum Per Acre Value (as defined in the Agricultural Land Preservation Act and also referred to therein as the “maximum per acre cap”). The Purchase Price shall be set forth in the Agreement of Sale between the County and the Seller.

Section 2. The Agreement of Sale shall be in substantially the form attached hereto as Exhibit C and made a part hereof, and such form the Agreement of Sale is hereby approved as to

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1 form and content. The Agreement of Sale shall be dated as of the date of its execution and
2 delivery by the County and the Seller (the "Closing Date"). The County Executive is authorized
3 to execute the Agreement of Sale and his signature shall be attested by the Director of
4 Administration. In the event that any officer whose signature shall appear on the Agreement of
5 Sale shall cease to be such officer before the delivery of the Agreement of Sale, such signature shall
6 nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in
7 office until delivery.

8 Section 4. The County Executive and the Treasurer are hereby authorized, prior to
9 execution and delivery of the Agreement of Sale, to make such changes or modifications in the form
10 of the Agreement of Sale attached hereto as Exhibit C as may be required or deemed appropriate by
11 them in order to accomplish the purpose of the transactions authorized herein; provided that such
12 changes shall be within the scope of the transactions authorized herein and the execution of the
13 Agreement of Sale by the County Executive shall be conclusive evidence of the approval by the
14 County Executive and the Treasurer of all changes or modifications in the form of the Agreement of
15 Sale and shall thereupon become binding upon the County in accordance with its terms.

16 Section 5. The County Executive, the Director of Administration, the Treasurer, the
17 County Attorney and other officials of the County are hereby authorized and empowered to do
18 all such acts and things and to execute, acknowledge, seal and deliver such documents and
19 certificates as may be necessary or appropriate to complete the purchase of the development
20 rights easement.

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1 Section 6. This Resolution shall become effective immediately upon adoption by the
2 County Council.

3 ADOPTED this _____ day of _____, 2021.

4 ATTEST:

5 _____	_____
6 Mylia Dixon	Patrick S. Vincenti
7 Administrator, County Council	President, County Council of
8 of Harford County, Maryland	Harford County, Maryland

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EXHIBIT A

Application

**HARFORD COUNTY, MARYLAND
DEPARTMENT OF PLANNING & ZONING**

Harford County Administrative Office Building
220 South Main Street
Bel Air, Maryland 21014
410.638.3103

Harford County Agricultural Land Preservation Application

1. This is an application only and does not bind the landowner to accepting an offer, it just allows for ranking and pricing of the property for the program.
2. If any item includes a choice indicated by a box, please check the appropriate box and include or attach any other information required.
3. Each item should be completed as fully as possible by all applicants, unless otherwise indicated. If you are uncertain as to whether particular information is applicable to an item, please still include such information.
4. Please feel free to expand your answers by attaching additional sheets if necessary.
5. This is an application to sell a conservation easement to Harford County, Maryland pursuant to the Harford County Agricultural Land Preservation Act [Bill No. 93-2 as passed by the Harford County Council on April 6, 1993 (the "Act")]. After sale of the conservation easement, the only use of the land permitted under the Act is agricultural.
6. This application is subject to review by the Harford County Agricultural Land Preservation Advisory Board, and the land will be evaluated in accordance with the Harford County Easement Priority Ranking System.
7. Landowner will be notified when ranking will take place and is welcome to attend board meeting and is welcome to request draft easement and other program documents available.

I. APPLICANT (i.e., the owner of the land). Indicate the portion owned by each owner.

A. Correct legal name: JEFFREY PHIPPS & DARLENE PHIPPS

B. Contact person: DARLENE PHIPPS -

C. Property address & mailing address if different:

4420 SLATE RIDGE ROAD

WHITEFORD, MD 21160

D. Telephone No. 41-459-9511 e-mail DARLENEPHIPPS@VERIZON

E. Social Security Number or Tax Identification Number for each owner.

(can wait until offer is made for ID security reasons)

F. Type of legal entity:

- ☒ individual
- ☐ corporation incorporated in the State of _____
- ☐ general partnership created in the State of _____
- ☐ limited partnership created in the State of _____
- ☐ limited liability company created in the State of _____

G. Description of Applicant's business and percentage of income attributed to agricultural production:

less than 5% timber harvesting

H. Legal Counsel representing Applicant in proposed transaction:

1. Name: N/A
2. Address: _____

3. Telephone No. _____ e-mail _____

I. Surveyor representing applicant

1. Name: HIGHLAND SURVERYORS/ BAY STATE LAND SERVICES
2. Address: 2012 ROCK SPRING ROAD
FOREST HILL, MD 21050
3. Telephone No. 410-879-4747 Fax No. 410-420-3949

J. Information concerning ownership (attach copy of deed(s) for all parcels).

Please list below all information for each parcel contained in this easement purchase.

1. Date of acquisition; recording reference; tax account; tax map and parcel number; acres; development rights, family conveyances or easement restriction applied to each parcel.

3 DEVELOPMENT RIGHTS

44.85 ACRES

PROPERTY NUMBER A-05-011906

LIBER - 02398 FOLIO - 0989

- K. List mortgagees or deeds of trust or other encumbrances (including leases). Lien holders will be required to subordinate their mortgage or deed of trust to the easement of the County so please discuss with them.

N/A

- _____

L. Describe all uses currently made of the land and by whom:

Agricultural

timber management

Non-Agricultural

- _____

M. Family history of the property including cultural or historic aspects and importance in preserving.

HIKING

SITE SEEING

SLATE MINING

HIGHEST POINT IN HARFORD COUNTY - OLD FIRE TOWER W/ 30FT AME

- N. Identify family conveyance members and address if applicable.

<u>Name</u>	<u>Address</u>
<u>RYAN PHIPPS</u>	<u>4420 SLATE RIDGE ROAD WHITEF</u>
<u>KELLY PHIPPS</u>	<u>304 BETTY COURT FOREST HILL</u>
<u> </u>	<u> </u>

- O. Identify all residences and buildings on the land with sq. footage of each.

HOUSE (3,100sq)- GARAGE (32 x 60)- WORK SHOP(40 x 40) - CAR PORT (

P. Identify all soil and/or water conservation plans in effect concerning the land and if all practices are applied (forward copy of SCS plan). Bmps in place.

see forest management plan

Q. Environmental and water quality highlights of farm.

Forest cover

R. Farm land breakdown

Cropland acres _____

Pasture acres _____

Woodland acres 100%

Homestead acres _____

Other _____

S. Innovative farming practices on farm including value adding.

—

II. EXECUTION

It is understood that the above information is submitted in good faith, based on present expectations of the Applicant, to aid the Agricultural Land Preservation Advisory Board of Harford County, Maryland in its consideration of this application for the sale of a development rights easement to Harford County, Maryland.

The information in this application and supporting exhibits is true and complete to the best of my/our knowledge and is submitted for the purpose of the sale of my residential development rights and the placement of a conservation easement on my property to be held by Harford County, Maryland. I/We authorize Harford County to conduct whatever investigation it feels is necessary to properly evaluate and process this application. I/We understand that this application is subject to review and approval by the Agricultural Land Preservation Advisory Board, County Executive and by the County Council of Harford County, Maryland. We also understand this is only an application and does not commit the landowner to accept an offer.

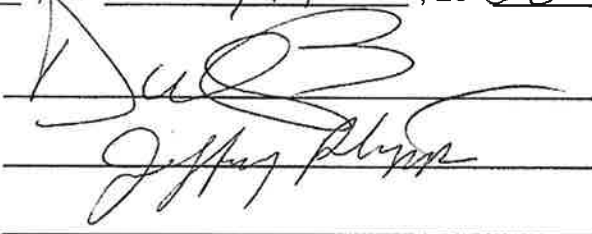
Dated at Whiteford, MD, on July 14, 20 20.
(City) (State)


EXHIBIT B**HARFORD COUNTY 2021 AGRICULTURAL PRESERVATION RANKING /
VALUATION**

Rank	Name	Ranking Score
1	Merryman, Donald (estate)	232.71
2	Martin, Leslie (45 acres)	190.02
3	Skillman, Robert	162.6
4	Stone House Manor, LLC	161.82
5	Whiteford Land Associates LLC	158.93
6	Thompson, Nancy	158.22
	Bayne Janet & Ruth Grossnickle	156.6
7	Martin, Leslie (21 acres)	154.83
	Smith, William	154.52
	LeMaster, William	152.85
8	Springhouse Family Farm, LLC	152.02
9	Nair	151.41
10	Wilson, Louis	144.07
11	Burdette, Alan Jr & Monica	143.61
12	Michie, Matthew 2	141.86
	Smith, Roy	139.48
13	Phipps, Jeffery & Darlene	138.07
14	Chesapeake Therapeutic Riding	134.08
15	Michie, Mark W.	133.11
	Michie, Matthew 1	131.63
	Burdette, Alan Sr & Roberta	128.47
	Fielder, Samuel (wooded parcel)	126.28
16	JPS properties	123.4
17	Bronston, Paul	115.3
18	Maliszewski, Thomas & Miriam	114.6
19	Hutchins, Samuel	113.78
20	Profilii, Anthony- Terra Bella	113.39
21	Markline, Robert	111.86
22	Langrehr, Harry & Mardella	111.37
23	Bowman, Gerald	109.85
24	King, Alvin Lee	107.71
	Michie, Matthew & Adele	106.62
25	Majors, David C.	96.96
	Mandl, Karl	92.21
	Profilii, Anthony parcel 67	87.49

1

EXHIBIT C

2

Form of Agreement of Sale

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DEPARTMENT OF PLANNING & ZONING**

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B. Contact person: DARLENE PHIPPS -

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WHITEFORD, MD 21160

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E. Social Security Number or Tax Identification Number for each owner.

(can wait until offer is made for ID security reasons)

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☐ corporation incorporated in the State of _____

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Dated at Whiteford, MD, on July 14, 20 20.
(City) (State)
